

**REDACTED**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
GREENSBORO DIVISION  
FILE NO. 1:15-cv-159-TDS-JLW

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JEFFREY H. RANDLEMAN,

Plaintiff,

vs.

ALAMANCE COUNTY SHERIFF TERRY S.  
JOHNSON, in his individual and  
official capacities, and JOHN DOE  
CORPORATION, in its capacity as  
Surety on the Official Bond  
of the Sheriff of Alamance County,

Defendants.

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DEPOSITION

OF

SHERIFF TERRY S. JOHNSON  
VOL. I

---

OFFICE OF THE ALAMANCE COUNTY ATTORNEY  
124 W. ELM STREET  
GRAHAM, NORTH CAROLINA

Tuesday, October 25, 2016  
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PAGES 1 THROUGH 190

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2           Reporter's Note: This transcript may contain  
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          as read or spoken.

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1           A.    I think it was the -- I want to say December  
2           the 2nd, 2002.

3           Q.    And you have been the sheriff since then?

4           A.    Yes, sir.

5           Q.    What are your -- what do you do on a  
6           day-to-day basis as the sheriff?

7           A.    You name it, I do it. No. You certainly --  
8           I review a lot of our reports from, you know, the  
9           night before. I talk with my captains and my major  
10          to make sure that what is supposed to be done is  
11          being done in the county. I talk with commissioners  
12          to try to obtain our -- you know, what we can as far  
13          as equipment and training. I talk with my county  
14          attorney on issues that there may be questionable  
15          issues about. There's been times that I've honestly  
16          answered calls because calls were backing up. I  
17          meet with my detective division on every major case,  
18          then get briefed on basically a daily basis. I'm a  
19          liaison with the judges and DA's office for my  
20          office. And I mean I could go on and on all day  
21          long.

22           Q.    And do you have -- I mean part of your job  
23          is personnel matters and having --

24           A.    I leave most of the personnel issues --  
25          certainly I make the final decision, but if there's

1       an internal investigation, it's done by the  
2       personnel division or a captain, and then they bring  
3       that -- you know, the findings to me. From there,  
4       I'll make the decision.

5           Q.    What about hiring?

6           A.    I interview every prospective employee that  
7       comes in. When I say interview them, I want to meet  
8       every person that I appoint. I don't hire them. A  
9       sheriff appoints people to work at their pleasure.

10           And we have a personnel division that does  
11       the background, you know, all the criminal history,  
12       history checks, lines up the psychologicals, lines  
13       up the physical fitness assessment, and does the  
14       physical fitness assessment. And once all the  
15       hiring process is completed by personnel, I'll  
16       review that process and make the appointment.

17           Q.    And do you also review, you know, promotions  
18       or other, you know, movements within the department  
19       of officers?

20           A.    Yes, sir. We currently -- it's put out.  
21       People that are qualified, there's certain thing --  
22       and for certain positions, you have to have been  
23       like a sergeant for so many months and not have any  
24       write-ups. And we will get together. As the staff,  
25       we will discuss all of the applicants. And then

1 Carolina to courts from courts, to state facilities.

2 We have a court division that handles  
3 security in the courtrooms, that handles courthouse  
4 security, going through the metal detectors, et  
5 cetera. Shucks, I'm trying to think.

6 Q. That's very helpful. You mentioned there's  
7 280 --

8 A. I think it's 280 positions right now.

9 Q. Is that sworn officers or everybody?

10 A. No. That's everybody. That's support  
11 personnel. I think we have 141 in detention. We  
12 have now I think 100- -- I think it's 137 that are  
13 sworn that's --

14 Q. All together?

15 A. Yeah. And then we have -- that includes our  
16 school. We have eight school resources officers,  
17 too. Yes, it's a headache.

18 Q. At the very -- at the very top, I mean who  
19 are the -- and you mentioned that a lot of these  
20 sections are headed by captains and I guess you  
21 mentioned detention was headed by a major. And then  
22 who was at the very -- sort of like who's like right  
23 under you?

24 A. Okay. Of course I'm the sheriff. I have a  
25 chief deputy. Under the chief deputy, I have a

1           Q.    And who did you run against in that  
2        election?

3           A.    That was Ron Parrish.

4           Q.    Ron Parrish.  And had he been in the  
5        department?

6           A.    He had been in the department, yes, sir.

7           Q.    What had he --

8           A.    He was a major in the department in my first  
9        two terms.

10          Q.    Over what section?

11          A.    He was in the detention at that time.

12          Q.    And Mr. Compton, you said he had been in the  
13        department.  What position had he --

14          A.    Mr. who?  Compton?

15          Q.    Compton that you ran against in 2006.

16          A.    Yes, sir.  I think he -- like I said, he was  
17        a patrol -- captain, I think, in patrol.  And that's  
18        my recollection because you're going way back.

19          Q.    Mr. Parrish -- after the election in 2010,  
20        did Mr. Parrish stay with the department?

21          A.    No, sir, he did not.

22          Q.    And then the next election was 2014?

23          A.    That's correct.

24          Q.    And who did you run against in that  
25        election?

1           A.    Nobody.

2           Q.    I'd like to talk about the procedures for  
3           imposing discipline on a sworn officer --

4           A.    Okay.

5           Q.    -- in the department.

6           What is the general procedure for  
7           disciplining an officer?

8                    MR. HILL: Now or then? I mean is  
9           there a time frame?

10                    MR. GHOSH: Now or I guess, you know,  
11           in recent -- recent years.

12                   A.    Okay. If an individual files a complaint,  
13           we take every complaint that's filed. An  
14           investigation will be done by our Internal Affairs.  
15           Then that is reviewed by my chief deputy, whatever  
16           the findings are. And then that is brought up the  
17           ladder. I get the last look at it.

18                   And every -- now they make a recommendation  
19           of punishment. I have the opportunity to follow  
20           that recommendation or lessen the punishment or  
21           harsher the punishment. And at that time, you know,  
22           administer whatever punishment there is.

23                   Q.    And you said when a complaint comes in. So  
24           that's more like when a complaint comes in from like  
25           a citizen or someone outside?

1 had -- we had just completed it within the last  
2 month, month and a half, something like that. And  
3 we were in -- what do you call it, negotiations with  
4 DOJ. And they said, well, we'd like these words to  
5 be put here, et cetera. We changed those policies.  
6 And as a matter of fact, I got my manual I think two  
7 weeks ago, but have not had an opportunity to sit  
8 down and read it.

9                   Q.     I'm going to show you what we'll mark as  
10                   Exhibit 2.

11 (PLAINTIFF'S EXHIBIT NUMBER 2 WAS MARKED.)

12 Q. Could you look at this --

13                   A.    Oh, sorry. I was looking at the wrong one.  
14                   Okay. There's been some changes, I know, to  
15                   this particular policy as far as wording in some of  
16                   the issues.

17 Q. And is this the Internal Affairs/Citizens  
18 Complaint --

19 A. Yes, sir.

20 Q. -- policy for the department?

21 A. Yes, sir.

22 Q. And this was effective April of 2005?

23 A. Yes, sir.

24 Q. And as you mentioned, there may have been  
25 some changes to it just recently?

1 A. That's correct.

2 Q. And does this policy generally set forth how  
3 internal investigations are supposed to be  
4 conducted?

5           A.     And complaints can be filed by citizens and  
6     different avenues, et cetera.

7 Q. If you look on page -- and I -- I apologize.  
8 This is what was produced in discovery. I think it  
9 was actually missing a couple of pages. Let me give  
10 you another copy of this.

11 A. Okay.

12 Q. Let me give you what we'll mark as  
13 Exhibit 3.

14 (PLAINTIFF'S EXHIBIT NUMBER 3 WAS MARKED.)

15 Q. If you look at -- Exhibit 2 is missing a  
16 couple of pages. So I think this is a complete copy  
17 of the same policy

18           A.    Okay.  Can I look at these?  Oh, yeah.  It's  
19           missing a couple of pages.  When I looked at it, I  
20           said, "Wait a minute.  This ain't..."

21 Q. I think I had the same experience. And I  
22 think it was just an oversight of the production.  
23 But this -- is this a more complete copy of the same  
24 policy?

25 A. It shows all the pages in there.

1           Q.    Looking at page 4, subsection C there  
2   discusses employees' rights --

3           A.    Right.

4           Q.    -- in the process?

5           A.    Yes, sir.

6           Q.    And that includes the right to be notified  
7   that they're subject of an internal investigation?

8           A.    That's correct.

9           Q.    And they -- and they are, you know, entitled  
10   to some basic information before they are  
11   interviewed, I guess?

12          A.    That's correct.

13          Q.    And they are -- if you turn to the next  
14   page, like they're entitled to know the findings of  
15   the investigation; is that right?

16          A.    Where are you?

17          Q.    In the --

18          A.    Certainly we notify them of the findings, if  
19   we substantiated --

20          Q.    Yeah. The second -- the second bullet  
21   point.

22          A.    Right. Whether substantiated,  
23   unsubstantiated or can't be resolved.

24          Q.    And then if you turn to page 6 of the  
25   policy --

1           A.    Okay.

2           Q.    -- and subsection E.

3           A.    Yes, sir.

4           Q.    That lists like the different categories of  
5           how an investigation is resolved; is that correct?

6           A.    That's correct. There's a sheet now that  
7           you check unfounded, unresolved, exonerated or  
8           sustained.

9           Q.    And so unfounded means that whatever is  
10          alleged to have happen didn't --

11          A.    Didn't.

12          Q.    -- didn't actually happen?

13          A.    That's correct, sir.

14          Q.    Unresolved means it's just unclear?

15          A.    One against another and there's no other  
16          information that -- it could go either way.

17          Q.    Exonerated means that something -- what  
18          happened -- what alleged to have happened, happened,  
19          but that the officer has not -- hasn't done anything  
20          wrong; is that right?

21          A.    Right.

22          Q.    And then sustained means it happened and  
23          it's --

24          A.    That's correct.

25          Q.    -- and it's a violation, it's -- they did --

1 A. Yes, sir.

2 Q. -- something wrong?

3                   A.     Yes, sir.

4 Q. And then I guess a little bit further down  
5 the page there, section 5, subsection 8 talks about  
6 the different types of discipline that can be  
7 imposed on an employee?

8                   A.        Right.

9 Q. And that ranges from all the way from just  
10 counseling all the way to dismissal?

11 A. Yes, sir, that's correct.

12 Q. And I'm going to show you what we'll mark as  
13 Exhibit 4.

14 (PLAINTIFF'S EXHIBIT NUMBER 4 WAS MARKED.)

15 Q. And is this the grievance procedure policy  
16 for the department?

17 A. It looks like it, yes, sir.

18 Q. Okay. And this was effective April of 2005?

19 A. That's correct.

20 Q. And it was in place until perhaps recently,  
21 maybe -- do you know if this was changed recently?

22 A. I'm sitting here trying to think. I know a  
23 couple of those others were, but I don't believe  
24 this was changed.

25 Q. And is this sort of grievance process the --

1       what's used for officers who want to appeal a  
2       discipline decision?

3           A.    Yes, sir.

4           Q.    Is it important to have these discipline and  
5       investigation -- internal investigation policies all  
6       be written?

7           A.    Well, certainly if your employees don't have  
8       a -- the guidelines, you know, there could be some  
9       problems. And that's the reason after our deal with  
10      DOJ, we went back at their request. They reviewed  
11      our policies. And whatever recommendations they  
12      made, we tried to implement.

13       Q.    So it's -- one reason why it's important to  
14      have this all written is so that officers know very  
15      clearly what's expected of them and what  
16      consequences could be --

17       A.    Yes, sir.

18       Q.    -- if there's a problem?

19       A.    Yes, sir.

20       Q.    That's just -- are there any other reasons  
21      why it's important to have these policies all  
22      spelled out?

23       A.    Well, certainly I think, you know, if you're  
24      going to expect an employee's conduct to be where,  
25      in my opinion it should be, as a law enforcement

1                   officer, you need policies and procedures for them  
2                   to follow.

3                   Q.     When -- when a sheriff is elected --

4                   A.     Yes, sir.

5                   Q.     -- the sworn officers in the department need  
6                   to be resworn in; is that right?

7                   A.     That's correct.

8                   Q.     Okay.

9                   A.     They're resworn, reappointed to the position  
10                  of deputy sheriff.

11                  Q.     Why is that requirement?

12                  A.     Why? Because, you know, they serve at the  
13                  pleasure of the sheriff and they serve the people.  
14                  And every law enforcement officer should take an  
15                  oath of office and should fulfill that oath by all  
16                  means. And I even swear my detention officers in.

17                  Q.     When you have a sheriff of a department and  
18                  then that sheriff is re-elected, do the officers  
19                  still go through the screening process?

20                  A.     They go back and reappointment and  
21                  reswearing, yes, sir, every single one of them.

22                  Q.     And is -- why do you have that reswearing  
23                  even if the sheriff is not changing?

24                  A.     Because -- well, the sheriff is changing  
25                  because it's a new appointment term for that

1       we've had with that individual; do I want that  
2       individual representing me as an appointed deputy;  
3       do I want him representing the citizens of the  
4       county as an appointed deputy. And if they do not  
5       fulfill what I feel like should be, I don't swear  
6       them back in.

7           Q.    So what factors do you take into account  
8       when deciding whether or not to reswear somebody in?

9           A.    Certainly numerous factors that I look at.  
10       One is integrity. One is following policy and  
11       procedures. One is dedication. Don't want no lazy  
12       officers; don't want no incompetent officers. And I  
13       could go on with a ton on the list of what I look at  
14       and what I want representing me and what I want  
15       representing this county wearing a badge.

16           Q.    Are there other significant factors that you  
17       haven't mention?

18           A.    Certainly. Like I say, integrity,  
19       truthfulness, willingness to accept responsibility  
20       for your actions. I mean I could go on and on.

21           Q.    What materials do you review in making that  
22       decision?

23           A.    Sometimes, and not all the time, sometimes  
24       personnel files; internal investigations; previous  
25       complaints; community support, talking to the people

1       in the community that the individual serves; talking  
2       with staff. A ton of things.

3           Q.    So when you have -- you know, when you are  
4       elected or re-elected, do you -- do all of -- do you  
5       review materials between whenever you're elected or  
6       re-elected to the time of swearing in? Like when  
7       does that review occur?

8           A.    Well, once again, as I said before, part of  
9       my job as sheriff, I review all kinds of things  
10      during the day on a daily basis.

11           And if I -- if I have an officer that, you  
12       know, there's a light coming on, they've got to be a  
13       problem here, certainly I keep up with -- with that  
14       officer in talking with his lieutenant, captain,  
15       whatever.

16           Q.    At the -- at the time -- so I understand  
17       that you are reviewing things on an ongoing basis.

18           A.    Have to.

19           Q.    But at the -- at the time, at the sort of  
20       very time that you're making the reswearing  
21       decision, at that point do you review materials for  
22       every officer?

23           A.    I won't say every officer, no, sir.

24           Q.    About how many officers do you end up taking  
25       a closer look at?

1           A. It depends on the officer. I mean, you  
2        know, it depends on the officer, how many officers,  
3        you know.

4           Q. Okay. Who -- in making the decision to --  
5        whether or not to reswear an officer, who do you  
6        talk to about that?

7           A. Well, certainly my chief deputy and I  
8        discuss issues on a daily basis. We have a staff  
9        meeting every Monday morning. If we hear of any  
10       possible problems or work-related issues with  
11       officers, I ask my captain or lieutenants, if  
12       they're having a problem with a young officer or an  
13       officer, to develop a work plan for him to make that  
14       corrected. If he don't, then, you know, he could be  
15       punished if he is constantly violating policy. That  
16       decision is made on an individual basis.

17           Q. When you're deciding to reswear people in --  
18        and you've got to make decisions on about 280  
19        people; is that right?

20           A. Uh-huh.

21           Q. Do you have like a list of everyone? Do you  
22        go through like a list? Or I mean how do you --

23           A. I do have a list. And I certainly review a  
24        list. I am constantly on the radio listening to  
25        officers. I am constantly -- I have a walkie talkie

1           Q.    In doing that, you talked about having --  
2           you have daily meetings with your chief deputy or  
3           weekly meetings with your -- with your staff, do  
4           you -- when you're going down that list, do you do  
5           that with the chief deputy or with anyone else?

6           A.    I sure, you know, I've -- I've talked on --  
7           before I allow someone -- not swear them back in or  
8           terminate them, I talk with my chief deputy and I  
9           talk with the captains and I talk with the direct  
10          supervisors.

11          Q.    So when you're considering not reswearing  
12          someone, then you have further conversations about  
13          that person?

14          A.    Most of the time, yes, sir.

15          Q.    And you said that would be with your chief  
16          deputy and then --

17          A.    Yes.

18          Q.    -- the lower level supervisors for that --

19          A.    Yes.

20          Q.    -- particular officer?

21          A.    Most of the time, yes, sir.

22           Now, once again, if it's an individual that  
23          I've had previous problems with down the road and it  
24          comes to a swearing in issue and they don't fit the  
25          mold of Alamance County deputy sheriff that I think

1       they need to fit, I don't swear them in.

2           Q.    When --

3           A.    I don't appoint them.

4           Q.    When going through -- in making -- going  
5        down this list and deciding who to reswear, do you  
6        ever talk to the officers themselves?

7           A.    Sometimes.

8           Q.    When would that be?

9           A.    That would be before the swearing in  
10      ceremony.

11          Q.    But would you -- would you talk to the  
12      officers -- if you had a question about whether or  
13      not to reswear somebody in, would you talk to the  
14      officer before making that decision?

15          A.    Sometimes, sometimes not. If the violation  
16      or the conduct had been over a period of time,  
17      absolutely not, I would not.

18          Q.    And if there wasn't much past conduct, then  
19      you -- then you would talk to the officer?

20          A.    Depending on what the conduct was.

21          Q.    In going down the list, if you have a  
22      question about whether to reswear someone in  
23      particular, do you look at their personnel file?

24          A.    Would I look at their personnel file?

25          Q.    Yes, sir.

1           Q.    And sorry, just are these your responses to  
2 Plaintiff's interrogatories --

3           A.    Yeah.

4           Q.    -- in this?

5                   Have you seen this document before?

6           A.    Have I seen this document?

7           Q.    Yes. Just look at the front and maybe it  
8 will --

9           A.    Yes, I think I have.

10          Q.    Okay. And these are Defendants' responses  
11 to --

12          A.    Right.

13          Q.    -- the Plaintiff's discovery requests?

14          A.    Right.

15          Q.    Okay. And if you're looking at page 12  
16 there, does that -- do you remember now which  
17 officers you chose not to reswear in in 2006?

18          A.    I think [REDACTED] was one of them, [REDACTED]

19 [REDACTED]. I can't remember.

20          Q.    Why was [REDACTED] not resworn in?

21          A.    Wasn't doing his job. He wasn't doing his  
22 job. He was selling insurance or something on the  
23 side. Stayed on his county phone so long. And he  
24 was talked to and continued to do it. And I didn't  
25 swear him back in.

1           Q.    So was that like a one-time incident or was  
2            that sort of multiple incidents?

3           A.    He -- no, it wasn't a one-time incident, no,  
4            sir.  He was staying on his phone.  And I remember  
5            we asked for him to bring his investigation files  
6            in.  We wanted to review what he had done on them  
7            and he couldn't find 60 some of them.  And I didn't  
8            swear him back in.

9           Q.    Was he disciplined at any point for not  
10            doing his job or...?

11           A.    No.  When his sergeant and lieutenant would  
12            meet with him, he was saying, you know, I've got all  
13            my cases up to date, blah, blah, blah.  He didn't  
14            have them up to date.  And he couldn't find I think  
15            it was 61 or 62 of the case files.  We had a copy of  
16            the case files, if you understand what I'm saying.

17           Q.    Uh-huh.  So did you -- did you meet with him  
18            about those case files as part of --

19           A.    He was -- he was talked with several times.

20           Q.    Okay.  So he was talked with several times  
21            before the decision was made not to reswear him in?

22           A.    That's correct.

23           Q.    Okay.  And during those times when he was  
24            spoken to, was he disciplined at any point?

25           A.    I'd have to go back and pull -- I think he

1       was. I may be wrong, but I'd have to go back and  
2       pull his internal investigation files, if any exist,  
3       and his personnel file.

4           Q. If he was -- and you mentioned, too, that he  
5       was, I guess, doing work for his insurance job?

6           A. It's some other job he -- and I want to say  
7       selling insurance or something while working for the  
8       county.

9           Q. So while he was on the clock, he was --

10          A. That's correct.

11          Q. -- doing work for some other job?

12          A. Exactly. And we --

13          Q. And I take it that's not permitted?

14          A. No, sir.

15          Q. If he was doing another job while on the  
16       clock and not able to keep track of his case files,  
17       why wasn't he terminated as part of the normal  
18       discipline process?

19          A. I think he was disciplined. And when we  
20       come up trying to check his files and he could not  
21       find 60 of them, I chose not swear him back in.

22          Q. And that --

23          A. Removed him.

24          Q. Okay. So at that time when he couldn't come  
25       up with the 60 files, was that around the time of

1           Q.    And then you had to choose to reswear all  
2           officers or not?

3           A.    Right.

4           Q.    Okay.  Were there any officers that you  
5           chose to not reswear in 2010?

6           A.    I'll be honest with you, I don't recall.  I  
7           could go back and review the files and tell you.

8           Q.    Do you remember [REDACTED]?

9           A.    Yes, sir.

10          Q.    Okay.  Was -- who was he?

11          A.    [REDACTED] was a deputy back then and is a  
12          deputy now.

13          Q.    Okay.  Was -- did you elect not to reswear  
14          him in in 2010?

15          A.    I think I did and -- I did not swear him in  
16          2010, but then went back and rehired him, because of  
17          the domestic situation with his wife, and they got  
18          it straightened out.

19          Q.    Why did you not reswear him in in 2010?

20          A.    I don't need major marital problems within  
21          the organization with other agencies or people  
22          involved with other agencies, married couples.  I  
23          will not tolerate it.  It only causes problems.  And  
24          at that time, as I recall, Mr. [REDACTED] and his wife  
25          were having a problem over another girl, who is no

1       longer with the Sheriff's Office. And they got  
2       their marriage straightened out. And as I recall,  
3       he came back and is working with me right now doing  
4       a good job.

5           Q. So he at that -- at that time, he was having  
6       a problem with his wife with regard to another  
7       woman?

8           A. Uh-huh.

9           Q. And does his wife work for the department?

10          A. No.

11          Q. No. Okay. But this other woman worked for  
12       the department?

13          A. Did.

14          Q. Did work for the department at that time?

15          A. Uh-huh.

16          Q. Okay. And so he --

17          A. She don't work here anymore.

18          Q. And he was having his -- was his marital  
19       difficulties affecting his job performance?

20          A. Oh, yeah.

21          Q. How was it affecting his performance?

22          A. Well, 2 o'clock in the morning, I get a call  
23       to come to the office. The wife raising cane; he  
24       was raising cane. You'd have to be a sheriff some  
25       day to understand it.

1                   And at the time, I told them both, "You all  
2 better -- [REDACTED], you're going to be gone. You  
3 better get your stuff straightened out or you won't  
4 be in law enforcement long." Because some of the  
5 other agencies are not going to put up with that  
6 type of stuff.

7                   Q.    So it was his -- his wife had come to the  
8 department at 2:00 in the morning --

9                   A.    Oh, yeah.

10                  Q.    -- to complain about him?

11                  A.    He and his wife.

12                  Q.    They had both come to the department?

13                  A.    That's correct.

14                  Q.    And was it because -- I guess my question is  
15 like why did they come to the department?

16                  A.    Another woman. She -- another -- she  
17 thought another woman and her husband and...

18                  Q.    Okay. So she -- because this other woman --

19                  A.    But --

20                  Q.    Because this other woman was working in the  
21 department --

22                  A.    That's correct.

23                  Q.    -- she came to the department to confront  
24 her or something like that?

25                  A.    No.

1           Q.    Or to confront --

2           A.    To tell me to do something about the  
3        problem.

4           Q.    I see. I see. So she came -- she wanted to  
5        come to you to do something about it?

6           A.    To make me aware that there's a possible  
7        problem there. And, you know, I sat and listened to  
8        them, counseled them and explained, you know, that  
9        that was unacceptable to Mr. [REDACTED], if in fact it  
10       was occurring.

11          Q.    Okay. Besides that -- that one -- I guess  
12        was it -- you said it was 2 o'clock in the morning?

13          A.    It was about 2 o'clock in the morning.

14          Q.    Besides that one time at 2 o'clock in the  
15        morning, was there any other point at which  
16        Mr. [REDACTED]'s relationships were interfering with his  
17        job performance?

18          A.    There were some questionable circumstances  
19        that, I know as an officer, were probably occurring,  
20        but it was nothing I could sink my teeth into, if  
21        you know what I mean. But based on his wife coming  
22        down there, I felt that there was probably some  
23        credence to what my thoughts were.

24          Q.    And as your counsel has indicated, we do  
25        have a protective order, so normally confidential

1       materials can be discussed here. So I'd ask, I mean  
2       what were your concerns specifically?

3           A. My concerns was, and it did happen but not  
4       because of him, that another family would be broken  
5       up. I had to terminate two -- well, I actually  
6       terminated one officer and the husband left on his  
7       own because he couldn't stand the heat that went  
8       with the situation.

9           Q. Okay. So it sounds like your -- your  
10       concern with Mr. [REDACTED] was that he -- his  
11       relationships were affecting other people?

12          A. Absolutely.

13          Q. Okay. But other -- I guess my question is,  
14       other than the time that his wife came to the  
15       department, was it -- was there any effect on his  
16       job performance or was he -- was his job performance  
17       just fine?

18          A. [REDACTED] is a great officer. But when you're  
19       not looking after your home life, a whole lot of  
20       things is affected. I wound up, like I said, having  
21       to get rid of another female officer. It broke up  
22       her and her family. Almost broke up Mr. [REDACTED]'s. I  
23       think probably not swearing him back in registered  
24       with him.

25           I could not definitely prove. I know what

1       the husband of the female officer told me, what the  
2       wife of this officer told me. And I did not need  
3       that problem at the Alamance County Sheriff's Office  
4       and would not tolerate it. And I did not swear him  
5       back in.

6           Q.    So Mr. [REDACTED] was having a relationship with  
7       someone else in the department, a woman in the  
8       department. Was that a staff member or another  
9       officer?

10          A.    No. It was an officer.

11          Q.    Another officer?

12          A.    Uh-huh.

13          Q.    Okay. Was that someone that he was  
14       supervising in any way or just a colleague?

15          A.    A colleague.

16          Q.    And I think you indicated that just having  
17       that sort of situation can affect a person. So were  
18       you seeing effects on his performance from having  
19       that situation?

20          A.    Yes, sir. Not only affects the person, but  
21       it affects the entire department.

22          Q.    Because it creates conflict within the  
23       department?

24          A.    Like I say, if I'm mad at you because  
25       you're -- my wife is an officer and I'm an officer

1 and you get out here and you get in a shootout, am I  
2 going to come help you? Heck no. That's the way --  
3 that's where a lot of this stuff affects a  
4 department.

5 Q. And the female officer that he was having a  
6 relationship with, was her husband also on the  
7 force?

8 A. Yes, sir.

9 Q. Okay. So that's -- so there were like I'd  
10 say three people in this -- these relationships that  
11 were on the force that created complications?

12 A. Yes, sir.

13 Q. These issues with Mr. [REDACTED], were these --  
14 was this happening for a long time or was this close  
15 to 2010?

16 A. I have no idea how long it had been going  
17 on, but it was fairly close.

18 Q. Okay. So when it came to your attention it  
19 was --

20 A. Fairly close.

21 Q. -- fairly close in 2010?

22 A. Yes, sir.

23 Q. And was --

24 A. And like I said, I'm going by memory now, if  
25 you understand.

1           Q.    Was Mr. -- at any point, did Mr. [REDACTED] go  
2           through the formal discipline process for any of the  
3           problems he was having with his work because of  
4           this?

5           A.    First of all, until the termination of the  
6           female and her husband leaving on his own, I did not  
7           have concrete -- because I can only go by what the  
8           wife had said and a statement he let slip, but it  
9           was not concrete enough for me to get rid of him at  
10           that time.

11           Q.    Okay. So before you let go of him, you had  
12           some more sort of concrete -- you gained some more  
13           concrete --

14           A.    Yes, sir.

15           Q.    -- information about the relationships he  
16           was having?

17           A.    Yes, sir.

18           Q.    Okay. And that's what prompted you to --

19           A.    That's correct.

20           Q.    -- let him go in 2010?

21           A.    That's correct.

22           Q.    And you said that that other female officer  
23           and her husband also --

24           A.    They're gone. Yes, sir.

25           Q.    Were they -- did they resign or were they

1 terminated?

2 A. No. I -- I terminated, I think. I can --

3 hold on a minute. Let me -- I -- can I review?

4 Q. Yes, please.

5                   A.    October 26 she was terminated.

6 Q. I'm sorry, of what year?

7           A.    That was 2011 that she was terminated.  The  
8       swearing in, he was -- [REDACTED], I can't remember if  
9       he left on his own at that time.  I'd have to go  
10      pull the file.

11 Q. Okay.

12           A.     But anyway, later on it was determined  
13           she -- she left and her husband --

14 MR. HILL: What was her name? If I  
15 could -- just to get the name on the record.

16 THE WITNESS: [REDACTED] :

17 BY MR. GHOSH:

18 Q. [REDACTED] . Thank you. And so she  
19 was an officer --

20           A.    Now, I don't want these peoples' reputations  
21           destroyed. Is this --

22 MR. HILL: There is a protective  
23 order --

24 THE WITNESS: Okay

25 MR. HILL: -- mutually agreed upon --

1 THE WITNESS: Okay.

2 MR. HILL: -- to only use this  
3 information in this --

4 THE WITNESS: Because we're talking  
5 about personnel issues here.

6 MR. GHOSH: Yes. And the protective  
7 order encompasses all --

8 THE WITNESS: Okay.

11 THE WITNESS: Okay. All right.

12 MR. GHOSH: -- in this case.

13 MR. HILL: And that's accurate, what he  
14 just said.

15 THE WITNESS: Okay.

16 BY MR. GHOSH:

17 Q. So Ms. ██████████ was terminated in 2011?

18 A. Right.

19 Q. And that was through the formal discipline  
20 process?

21 A. What --

22 O. Yeah.

23           A.    Let me explain.  There was -- the wife and  
24           then, you know, of Mr. [REDACTED] come in with Mr. [REDACTED]  
25           early in the morning.  We -- and I'll just tell you,

1       I tried to -- to get facts to terminate both of them  
2       at that point in time. Didn't have it. There was a  
3       big party of officers with a lot of drinking. And  
4       that's where the facts come out of what went on.

5       Q.     Okay. So facts came out --

6       A.     People discussed --

7       Q.     -- about their relationship?

8       A.     Yes, sir. That's correct.

9       Q.     And as a result, Ms. [REDACTED] --

10      A.     That's correct.

11      Q.     -- was terminated in 2011?

12      A.     That's correct.

13      Q.     And that was pursuant to the policies that  
14       we had discussed this morning, like the discipline  
15       policies and the --

16      A.     Yes, sir.

17      Q.     When did you rehire Mr. [REDACTED]?

18      A.     I'd have to look at his sheet, but it was a  
19       couple years later or three years later.

20      Q.     In 2014 you were re-elected?

21      A.     That's correct.

22      Q.     And you had to decide whether or not to  
23       reswear in all of the officers and staff members?

24      A.     That's correct.

25      Q.     Which officers did you choose not to reswear

1           Q.    Okay.

2           A.    That's conduct unbecoming.

3           Q.    You consider that conduct unbecoming?

4           A.    Yes, sir, I do.

5           Q.    Okay. Is -- so what is the definition of an  
6           extramarital affair?

7           A.    When you are married or you are separated  
8           and not legally divorced and you have sex with an  
9           individual or you are married and they are not.

10          Q.    Okay. So if you were married and they are  
11          not who you are married to, that's an extramarital  
12          affair?

13          A.    Yes, sir.

14          Q.    And if you are not married and they are  
15          married, that's an extramarital affair?

16          A.    Yes, sir.

17          Q.    Okay. And if you are separated but not yet  
18          divorced?

19          A.    That's still an extramarital affair.

20          Q.    Okay. Is that explained anywhere?

21          A.    Don't need an explanation. If I'm not  
22          divorced from you, we're still married even though  
23          we're separated.

24          Q.    If you are unmarried and you have a  
25          relationship with someone else who is unmarried, is

1        office. And then he left me in 2003, went with  
2        Elon, and then come back two years later  
3        approximately.

4            Q. So he was -- so he was an officer at the  
5        Sheriff's Department when you were first elected?

6            A. Yes, sir.

7            Q. Okay. And according to this document, he  
8        was a sergeant at that time?

9            A. Yes, sir, according to that document.

10          Q. He was a sergeant in 2002?

11          A. Yes, sir.

12          Q. Okay. And you -- you swore him in at that  
13        point or reappointed him?

14          A. Yes, sir, reappointed him.

15          Q. Were you aware of any problems with his job  
16        performance or him in any way, you know, in 2002?

17          A. I had a little inkling something was wrong  
18        with his marriage to his wife, [REDACTED], but I thought  
19        they had got that straightened out when I swore him  
20        in.

21            I believe in giving everybody a chance  
22        coming in as a new sheriff because I've had the  
23        opportunity to see when I was at the SBI new  
24        sheriffs come in and fire everybody. And a lot of  
25        good officers lost their job. And I was hoping, you

1 know -- and Randleman, as far as I knew, was a  
2 decent officer at that time, but he had marital  
3 problems.

4 Q. Okay. So apart from his marital problems,  
5 did you have any knowledge of any problems with his  
6 job performance or --

7 A. No, sir.

8 Q. -- work or anything?

9 A. I wouldn't have kept him if I did.

10 Q. Okay. And then you mentioned he resigned to  
11 go to the Elon Police Department in 2003?

12 A. That's correct.

13 Q. Okay. Did -- when he did that, did you give  
14 a reference or were you asked about him?

15 A. I don't believe so, but I -- you know, at  
16 that point in time, I would -- you know, I'd have  
17 said he -- he was a good officer. I'm talking about  
18 in a lot of ways. And then I don't know what  
19 happened after a couple of years. I don't know what  
20 happened.

21 Q. He came back to the department in 2005?

22 A. That's correct. I believe 12/8/05 is what I  
23 have.

24 Q. Okay. And that's -- it says 12/1 on this  
25 document, but that's about right.

1                   Did you approve that decision?

2           A.    Yes, sir.

3           Q.    Okay. Why?

4           A.    Why? We were shorthanded. We were looking  
5           for people experienced. And we couldn't send people  
6           to BLET because you're looking at a six-month or  
7           16-week stint or longer. And he already had his  
8           certification and I swore him back in.

9           Q.    And you thought he was a good officer?

10          A.    I had no problem at that time with  
11           Mr. Randleman.

12          Q.    In 2006, this indicates he was promoted to a  
13           deputy II?

14          A.    That's correct.

15          Q.    And what is the difference between a  
16           deputy I and a deputy II?

17          A.    Okay. A deputy I, you come in at a starting  
18           salary. After 18 months of good work, no write-ups  
19           or anything by your supervisor, you're automatically  
20           elevated to a deputy II, which is 4 and a half  
21           percent raise.

22                   After another 18 months of a similar  
23           situation, you know, you're improving, no write-ups,  
24           nothing bad, you go to a deputy III, which is 4 and  
25           a half percent raise. And then as positions open

1 didn't -- what I'm saying, it wasn't job  
2 performance. I think it was personal stuff in his  
3 life and I wasn't privy to that.

4 Q. Okay. Did the stuff in his life though have  
5 any detrimental effect on his job performance?

6 A. Not at that point in time.

7 Q. And why did you choose to reswear him in in  
8 2006?

9           A.     Because he had been a good officer up to  
10           that point.

11 Q. I'm going to show you what we are marking as  
12 Exhibit 9.

13 (PLAINTIFF'S EXHIBIT NUMBER 9 WAS MARKED.)

14 Q. What is this document?

15 A. This is a -- what we call -- it's the old  
16 Alamance County Employee Performance form. Since  
17 then, they have redone the system.

18                   Q.     Okay.  And this -- but this was the  
19                   evaluation form that used to be used in the  
20                   department?

21 A. That's correct.

22 Q. And this is one for Mr. Randleman?

23 A. That's correct.

24 Q. And it indicates on the first page that this  
25 is for the period of 2007?

1           A.    Yes, sir.

2           Q.    Okay. And then if you look on the I guess  
3           third page, it's got Mr. Randleman's signature and  
4           then it's got a supervisor's signature at the very  
5           bottom of that third -- the third page.

6           A.    Third page.

7           Q.    This page.

8           A.    Okay.

9           Q.    Do you see Mr. Randleman's signature?

10          A.    Yes, sir, I do.

11          Q.    And then below that there's a supervisor's  
12         signature?

13          A.    Sergeant Dan Cubino.

14          Q.    And that was Mr. Randleman's --

15          A.    That was his --

16          Q.    -- sergeant?

17          A.    -- sergeant in the Immigration and Customs  
18         Enforcement Unit, ICE unit.

19          Q.    Was Mr. Cubino the head of the ICE unit?

20          A.    No, sir. He was the sergeant. At that time  
21         Lieutenant Randy Denham was actually over the ICE  
22         unit at that point in time.

23          Q.    But Officer Cubino was Mr. Randleman's  
24         direct supervisor?

25          A.    That's correct.

1           Q.    And then on the last page, is that your  
2       signature?

3           A.    That's my signature.

4           Q.    And that's -- you're the -- as the head of  
5       the department?

6           A.    That's correct.

7           Q.    And when you sign off on performance  
8       reviews, does that mean that you've reviewed the  
9       evaluation?

10          A.    Yes, sir.

11          Q.    Okay. And does that mean that you've agreed  
12       with it?

13          A.    Yes, sir.

14          Q.    Okay. And you look over it, it seems to say  
15       that Officer Randleman was doing a very good job and  
16       was exceeding expectations; is that right?

17          A.    Yes, sir.

18          Q.    Were evaluations done every year in the  
19       department?

20          A.    Well, up until the County decided they were  
21       changing the form, there was a period of time that  
22       those evaluations weren't done. And then when the  
23       County developed the new forms and stuff, we -- and  
24       of course we evaluate our people on a daily basis.  
25       But the actual forms when the County come back, we

1           started, you know, re-evaluating people.

2           Q.    When were these forms discontinued?

3           A.    That's probably the last time they were  
4           used.

5           Q.    Okay. And when were the -- when were the  
6           new forms adopted?

7           A.    I think we started doing the new forms -- I  
8           can give you an approximate time. Around '09 or  
9           '10, somewhere like that, '11, something like that.  
10          And I'd have to go back and double-check. There  
11          were several years there where they weren't.  
12          Evaluations weren't done for the County.

13          Q.    Have you seen any evaluation forms for  
14          Mr. Randleman that are more recent than this one?

15          A.    I would have to check, sir. I haven't -- I  
16          haven't -- I didn't go -- I went through the  
17          Internal Affairs, you know, file stuff.

18          Q.    Okay. But as you sit here right now, can  
19          you recall seeing any more recent evaluations?

20          A.    I'm not saying yes and I'm not saying no,  
21          but I haven't seen them.

22          Q.    Okay. So Officer Randleman was in the ICE  
23          unit and detention?

24          A.    Yes, sir.

25          Q.    And then at some point he was appointed to

1       with him. Every time I'd see him, my people  
2       assigned to the task force, I want to know what's  
3       going on.

4           Q.    So then he went back to the ICE unit in  
5       detention?

6           A.    Uh-huh.

7           Q.    And he -- he would have been at that point  
8       still a corporal; is that right?

9           A.    Yes, sir.

10          Q.    And then in 2010 you were re-elected?

11          A.    Yes, sir.

12          Q.    And you had to decide whether to reswear in  
13       your officers?

14          A.    Yes, sir.

15          Q.    Okay. And you reswore in Officer Randleman?

16          A.    Yes, sir, I did.

17          Q.    Why did you do that?

18          A.    He give me no reason not to at that point in  
19       time.

20          Q.    Were you aware of any problems in his job  
21       performance up until 2010?

22          A.    No, sir.

23          Q.    In 2011, he was assigned back to the patrol  
24       division?

25          A.    Yes, sir.

1           Q.    Okay.  What do you know about that?

2           A.    I'll go back and try to remember it.  That  
3        he showed up.  That [REDACTED], ever how you say  
4        her name, I think was seeing him at one time.  And  
5        she -- they split up and she moved in with a  
6        [REDACTED] guy that used to be a deputy before I took  
7        office in Alamance County and at that time was a  
8        state trooper.

9               As I recall, he went over to her house or  
10        his house at 4:30 in the morning raising cane.  And  
11        as a result of that, we had to do an internal  
12        investigation because a complaint was filed.

13               Mr. Randleman attended counseling after that  
14        to handle some of his anger.  And that's basically  
15        what I know.  It did cause us a little problem  
16        between us and the highway patrol.  But that was  
17        basically conduct unbecoming in my opinion.

18               Q.    So who -- who made the complaint about  
19        Mr. Randleman?

20               A.    Ms. [REDACTED] (sic).

21               Q.    [REDACTED]

22               A.    [REDACTED]

23               Q.    And who was her husband or former husband?

24               A.    Well, [REDACTED].  I cannot think of his first  
25        name right now.

1 Q. [REDACTED]?

2 A. [REDACTED] that's right. That's  
3 correct.

4 Q. So she was with [REDACTED]?

5 A. She was living and had been living with [REDACTED]  
6 [REDACTED] from the time they split.

7 Q. Okay. And the complaint was -- you said  
8 that Mr. Randleman was being directed to do some  
9 counseling?

10 A. That's correct.

11 Q. Was he disciplined?

12 A. I think, you know, agreeing to attend  
13 counseling and everything. I made up my mind at  
14 that point in time that I would not be appointing  
15 him back as a deputy sheriff.

16 Q. Did you know that [REDACTED] was -- had  
17 been married -- who she had been married to?

18 A. No, sir.

19 Q. Do you know [REDACTED]?

20 A. Yes. Yes, I do. Yes, sir.

21 Q. Who is [REDACTED]?

22 A. Well, he used to be a deputy also with  
23 Alamance County Sheriff's Department. I know --  
24 I'll go back. He come -- well, he was not here as a  
25 deputy when I took over, but that was -- she used to

1 be married to him.

2 Q. So Ms. [REDACTED] was married to [REDACTED]

3 [REDACTED]?

4 A. That's correct.

5 Q. And he was a former officer with the  
6 department but not while you were the sheriff?

7 A. That's correct.

8 Q. Did Mr. [REDACTED] make a complaint about  
9 Mr. Randleman's relationship with Ms. [REDACTED]?

10 A. I recall Chief Deputy Britt telling me that  
11 he had come down complaining in early stages.

12 Q. In the early stages of their relationship?

13 A. Right.

14 Q. Mr. Randleman and --

15 A. Right.

16 Q. -- Ms. [REDACTED]'s relationship?

17 A. That's correct.

18 Q. Okay. And what did -- was it Chief Deputy  
19 Britt?

20 A. Chief Deputy Britt, yes, sir.

21 Q. What did Chief Deputy Britt tell you about  
22 his complaint?

23 A. I think he talked to Mr. [REDACTED]. And at  
24 the time, you know, there was nothing we could do.  
25 I mean she was divorced from Mr. [REDACTED] and there

1       was not a whole lot we could do at that point in  
2       time. However, it did cause, I think, some problems  
3       within the department because Mr. [REDACTED] still had  
4       a lot of friends here.

5           Q.    So Mr. [REDACTED] spoke to Chief Deputy Britt?

6           A.    That's what I recall, yes, sir.

7           Q.    Okay. Did anyone else meet with  
8       Mr. [REDACTED]?

9           A.    Usually when we have a person that is  
10      complaining, two people normally will meet with  
11      them. And I don't know. You would have to ask  
12      Mr. Britt that.

13          Q.    Did Mr. [REDACTED] say that he was hiring a  
14      private investigator?

15          A.    I don't know. I don't ever recall talking  
16      to Mr. [REDACTED].

17          Q.    Did Mr. [REDACTED] file a citizen complaint?

18          A.    I personally didn't see a citizen complaint.  
19      Chief Deputy Britt would have handled that.

20          Q.    Did someone then in the department meet with  
21      Mr. Randleman about Mr. [REDACTED]'s complaint?

22          A.    I'm sure they did.

23          Q.    Did you meet with Mr. Randleman about that?

24          A.    I did not.

25          Q.    Did Chief Deputy Britt meet with

1       Mr. Randleman about that?

2       A.    You'll have to ask him.

3       Q.    Do you know if he did or not?

4       A.    I feel sure he did. I mean that would be  
5       what I would do if I was in his position.

6       Q.    Do you know what Chief Deputy Britt or  
7       anyone else told Mr. Randleman to do?

8       A.    I do not.

9       Q.    Do you know if anyone told him to end his  
10      relationship with Ms. [REDACTED]?

11      A.    I do not.

12      Q.    Did anyone tell him that that relationship  
13      was a problem?

14      A.    I don't know. I was not involved in the  
15      conversation with Mr. Britt and Mr. Randleman.

16      Q.    Did that -- was Mr. Randleman's relationship  
17      with Ms. [REDACTED] contrary to department policy?

18      A.    No. Not if it was just, you know, seeing --  
19      no. But if it was stalking or something like that,  
20      absolutely it would be contrary, contrary to policy.

21      Q.    So at some point, Ms. [REDACTED] filed a  
22      complaint; is that right?

23      A.    Yes, sir. That's my understanding.

24      Q.    I'll show you what we're marking as  
25      Exhibit 16.

1 (PLAINTIFF'S EXHIBIT NUMBER 16 WAS MARKED.)

2 (The witness reviews the document.)

3 A. Yes, sir.

4 Q. Have you seen the document before?

5 A. Yes, sir, I have.

6 Q. And what is this document?

7 A. This is a document referencing details of  
8 the complaint of Ms. [REDACTED] filed on  
9 Jeffrey Randleman.

10 Q. Okay. And I guess it's -- there's a date on  
11 the first page there. It says "Date complaint  
12 received, October 29, 2013"?

13 A. 29. Yes, sir.

14 Q. And there's like a cover page and then  
15 there's a letter from -- or a memo from Lieutenant  
16 Denham to Captain Wilburn (sic) about the complaint?

17 A. That's correct.

18 Q. Was this complaint investigated?

19 A. Yes, sir, it was.

20 Q. How was that investigation done?

21 A. Interviews, which is standard for an  
22 internal investigation.

23 Q. Who conducted the interviews?

24 A. I think this one was Randy Denham that  
25 submitted this.

1 think December 12, '13 --

2 A. I believe you're right.

3 Q. -- does that look right? Okay.

4 And that's the same -- that's the same date  
5 as this second letter from Dr. Kling?

6 A. Right.

7 Q. So this document shows that Mr. Randleman  
8 was exonerated for the unbecoming conduct  
9 allegation?

10 A. That's what it shows, unbecoming conduct  
11 exonerated.

12 Q. And he was not --

13 A. Go ahead.

14 Q. He was -- besides the counseling, he was not  
15 given any sort of disciplinary suspension or --

16 A. No, sir.

17 Q. No suspension without pay?

18 A. Not to my knowledge.

19 Q. He wasn't demoted?

20 A. Not to my knowledge, no, sir.

21 Q. There's no formal reprimand in his file?

22 A. No, sir.

23 Q. When was the trial in the DOJ lawsuit?

24 A. August -- it was in August of this year.

25 Q. This --

1           A.    Past year.

2           Q.    Past year?

3           A.    Yes, sir.

4           Q.    So 2015?

5           A.    That's correct. Yes, sir. That's right,  
6           August.

7           Q.    And Officer Randleman testified at that  
8           trial?

9           A.    Yes, sir, he did.

10          Q.    And he testified -- he was called by the  
11          Department of Justice?

12          A.    Called by the Department of Justice, yes,  
13          sir.

14          Q.    Did you know beforehand that he was going to  
15          testify?

16          A.    I don't think I did. My attorney may have.  
17          I didn't see a list of witnesses. I don't recall  
18          seeing a list of witnesses.

19          Q.    So did you find out he was going to testify  
20          when he was called to the stand?

21          A.    When he went to the stand, yes, sir.

22          Q.    And you were present during his testimony?

23          A.    The whole time.

24          Q.    Did you speak to Officer Randleman at all  
25          during the trial?

1           A.     During the trial, I think there was a break  
2     where we went out in the hall and I think I told  
3     Officer Randleman, "You've got a real good memory,  
4     sir."  And he did.

5           Q.     Did he say anything to you?

6           A.     Yeah.  I mean just like a friendly, yeah,  
7     man, something like that.

8           Q.     And did you say anything else to him?

9           A.     No.  Because I had to go back in a room.  
10     Officer Randleman, I don't know where he went.

11          Q.     Other than that conversation, did you talk  
12     to Officer Randleman during the trial?

13          A.     No, sir, did not.

14          Q.     What did Officer Randleman testify about?

15          A.     He testified a meeting with -- a county  
16     commissioner, Ann Vaughan came in raising cane with  
17     me.  She had had a wreck in Burlington hit by a  
18     person of Latino descent.  She said he was illegal  
19     and she wanted -- and Burlington wouldn't charge him  
20     and she wanted me to do something about it.

21           Myself and Ms. Vaughan never got along.  I  
22     didn't want -- you know, I didn't want to deal with  
23     her.  Randleman was coming down.  I said, "Jeff,  
24     come here a minute.  Take care of this problem here.  
25     She's got a problem, says the guy is illegal."  But

1       told it. Everything he said was correct. And I --  
2       I testified on the stand to the fact. I don't -- I  
3       don't know what the problem was.

4           Q. Did you review the legal briefs that were  
5       filed by the parties after the trial?

6           A. I'm sure I did. I read so many legal  
7       documents.

8           Q. I'm sure they were very short, right? They  
9       were -- everything was very short?

10          A. Oh, no.

11          Q. But after the trial, both sides files briefs  
12       to the court --

13          A. Yes, sir.

14          Q. -- reflecting their position based on the  
15       testimony at the trial; is that right?

16          A. Yes, sir, that's correct.

17          Q. Did the Department of Justice rely on  
18       Mr. Randleman's testimony as helpful to its case?

19          A. I don't think so. Like I say, I didn't see  
20       it being helpful.

21          Q. Okay. So then I think I mis -- I misspoke  
22       before. So the trial occurred -- the trial occurred  
23       in 2014; is that correct? I think I might have said  
24       2015.

25          A. That's right because it took a year to write

1       the brief.

2           Q.    Okay.  Yeah.  I wanted to correct myself.

3           It was 2014, summer of 2014?

4           A.    Right.  That's correct, August.

5           Q.    Okay.  And then later in 2014, you were  
6        re-elected?

7           A.    That's correct.

8           Q.    And you ran unopposed?

9           A.    Yes, sir.

10          Q.    And then you had decide to which officers to  
11        reswear in?

12          A.    That's correct.

13          Q.    Okay.  And you did not reswear in  
14        Mr. Randleman?

15          A.    I did not reswear in Mr. Randleman.

16          Q.    And he was the only officer that was not  
17        resworn?

18          A.    That's correct.

19          Q.    Why did you not reswear in Mr. Randleman?

20          A.    Anger issues causing problems between our  
21        agency, the highway patrol.  I mean I had to look at  
22        a bunch of circumstances surrounding that and what  
23        it would do -- what it did to our agency and image  
24        of our agency.

25          Q.    So what circumstances did you look at in

1           Q.    Okay.  So you're saying you could have  
2 terminated him --

3           A.    Absolutely.

4           Q.    -- after he was exonerated?

5           A.    Absolutely.

6           Q.    Were there any other reasons for not  
7 swearing in Officer Randleman?

8           A.    Just, you know, the -- what I'm saying is  
9 the anger management issues that apparently was  
10 exhibited with DOJ.  And from that point on, things  
11 started getting worse with him.  We started, you  
12 know, receiving complaints.  Whether they were  
13 justified or not, I don't know.  But certainly going  
14 to the trooper's house at 4:30 in the morning, I  
15 don't need that at the Alamance County Sheriff's  
16 Office.  And I chose to exercise my authority as  
17 sheriff of Alamance County not to swear him back in  
18 or appoint him back in.

19           Q.    When did you make that decision?

20           A.    Probably right after this happened.  Right  
21 after the situation with him and the -- and the  
22 trooper.

23           Q.    Do you have any document showing that you  
24 made the decision then?

25           A.    Right here.

1           Q.     Sorry, you --

2           A.     My head, yeah. In my mind. I knew what I  
3     was going -- you know, I knew what I was going to  
4     do.

5           Q.     Do you have any written document showing --

6           A.     No, sir.

7                   MR. HILL: Sorry, I moved your papers.

8                   THE WITNESS: Do what?

9                   MR. HILL: Moved your papers back, so  
10     I'm sorry.

11                  BY MR. GHOSH:

12                Q.     Were there any written documents about your  
13     decision at the time of, you know, 2014 at the  
14     swearing in time?

15                A.     No, sir.

16                Q.     Okay. Who did you tell about your decision  
17     to not reswear in Mr. Randleman?

18                A.     I told my county attorney and assistant  
19     county attorney, Ben Pierce, that I was not going to  
20     swear him in.

21                Q.     Did you tell anyone in your department?

22                A.     Yes, sir.

23                Q.     Who did you tell?

24                A.     Chief Deputy Tim Britt and maybe Major  
25     Shelton Brown.

1 Q. Did you tell Mr. Randleman about your  
2 decision?

3           A.     No, sir, I did not, not until the time that,  
4        you know -- well, he knew he wasn't going to be  
5        sworn in prior to the swearing in ceremony.

6 Q. Who informed him of that?

7                   A.    Chief Deputy Tim Britt.

8                   Q.     Let me show you what I'm marking as  
9                   Exhibit 21.

10 (PLAINTIFF'S EXHIBIT NUMBER 21 WAS MARKED.)

11 Q. Have you seen this document before?

12 A. Yes, sir.

13 Q. What is this document?

14                   A. This is a termination of employee. It says  
15                   "Terminated Employee."

16 Q. And this is for the termination of  
17 Mr. Randleman?

18 A. That's right. Let me explain something to  
19 you. This is a county form. If a person quits,  
20 leaves under any circumstance, whatever, it's still  
21 the same form they use. And he was not terminated.  
22 He was just not appointed.

23                   Q.     Okay. The reason here down at the bottom,  
24     it says, "Terminated Date: 12/1/2014," and then it  
25     says, "Reason: Termination," do you see that?

1           A. Yes, sir, I do.

2           Q. Is there any other document that describes  
3 the reason for his termination or his not being  
4 resworn?

5           A. No, sir. I don't have to provide a  
6 document. That's a decision of the sheriff.

7           Q. When Deputy Chief Britt filled out this  
8 form, Exhibit 20 --

9           A. Uh-huh. Yes, sir.

10          Q. -- would you have seen that?

11          A. Not necessarily.

12          Q. Do you recall this document?

13          A. No, sir. Not until I went through the  
14 internal investigation file prior to coming here.

15          Q. Prior to today?

16          A. Right.

17          Q. Are you supposed to be informed about the  
18 results of investigations?

19          A. Well, I knew the result. As a result of the  
20 investigation, they were recommending counseling to  
21 Mr. Randleman. And I was fine with that.

22          Q. Are you supposed to be informed of the, you  
23 know, the disposition of a complaint?

24          A. Could be, yes, sir.

25          Q. Could be?

1 A. Yes, sir.

2 Q. Are you --

3           A.     If there was action taken, I would have seen  
4           that other than the -- the counseling.

5 Q. Did you ever talk to Chief Deputy Britt --

6 A. Yes, I did.

7 Q. -- about the decision for it to say  
8 exonerated?

9           A.    Only thing I talked to him about was to make  
10          sure that Jeff was receiving the proper counseling  
11          and try to help him where we could.

12 Q. Did you ever talk to anyone at the highway  
13 patrol about the incident with Mr. Randleman?

14 A. Highway patrol, no, sir.

15 Q. Do you know if the incident with

16 Mr. Randleman caused any problems with the highway  
17 patrol?

18 A. I don't know if it did, but it could have.

19 I know it, in my opinion, tarnished the image of the  
20 Alamance County Sheriff's Office.

21 Q. If Mr. Randleman engaged in conduct that was  
22 unbecoming and tarnished the department in 2013, why  
23 wasn't his complaint sustained?

24 A. I have no idea.

25 MR. GHOSH: We've been going for about

1       another hour. Can we take about a five-, ten-minute  
2       break?

3                    MR. HILL: Absolutely. Sure.

4                    (Recess taken from 2:41 to 2:48.)

5                    THE WITNESS: Can I go back? And I  
6        think I misunderstood or I've been thinking I  
7        misunderstood. You asked the question about  
8        anything else involving why I did not swear Jeff  
9        Randleman back in. And I thought you were referring  
10      to -- and I want to make sure you were referring to  
11      the situation with the trooper or any situation?

12                  MR. GHOSH: I was referring to any  
13      situation --

14                  THE WITNESS: Okay.

15                  MR. GHOSH: -- any reason.

16                  THE WITNESS: There was other  
17      situations that disturbed me as sheriff and I'll  
18      tell you.

19                  There appeared to be the unplugging of the  
20      auto vehicle locator in certain places in the  
21      county, sometimes several hours between the locator  
22      being turned off and coming back on. That can be  
23      done by only two ways; one is to cut your computer  
24      off, or go to the trunk of your car and unplug the  
25      auto vehicle locator.

1                   And the second thing that bothered me was  
2                   our responsibility was in the County of Alamance,  
3                   not the City of Burlington. And from the auto  
4                   vehicle locator, he was spending a tremendous amount  
5                   of his shift at certain locations, around certain  
6                   locations in Burlington.

7                   BY MR. GHOSH:

8                   Q.     What is the auto vehicle locator?

9                   A.     It's a computer -- it's in the trunk of the  
10                  car. It runs off a GPS. And it's really a safety  
11                  issue should the officers -- if something happens,  
12                  you can bring it up on the computer and see where  
13                  the vehicle is, et cetera. And it's runs off GPS.  
14                  It can tell me at any given time where an individual  
15                  is in the county as far as his patrol section or  
16                  whatever.

17                  Q.     How were you informed about this concern  
18                  about the vehicle locator?

19                  A.     Believe it or not, I check them a lot on the  
20                  computer myself just to make sure my people are  
21                  traveling to the farthest areas of the county on  
22                  patrol, coming back; not spending too much time at  
23                  their home or a restaurant.

24                  Q.     Is sometimes the auto vehicle locator called  
25                  AVL?

1           A. AVL, yes, sir. Yes, sir. Auto vehicle.

2           Q. So you got concerned because of your own  
3 observations of the AVL information?

4           A. Yes, sir. I check -- I check that. And  
5 also have my major checking constantly our patrol  
6 vehicles.

7           Q. So with Mr. Randleman, was that something  
8 that you had seen or your major had seen?

9           A. No. I got -- there's printout sheets on  
10 where that vehicle was during that period of time.

11          Q. Okay. And that was something you printed  
12 out yourself?

13          A. No. I got Major Brown to print it out.

14          Q. Okay. So you asked Major Brown to print it  
15 out?

16          A. I did.

17          Q. When did you do that?

18          A. Oh, shucks. It was prior to the swearing  
19 in.

20          Q. Soon prior or like months beforehand?

21          A. No. It was beforehand, before the swearing.  
22 I don't know. I can't tell you the number of weeks  
23 or days.

24          Q. I mean like a year before or like --

25          A. Oh, no. It was -- it was during --

1           Q. -- close before --

2           A. -- some of the problems started in 2013 and  
3           2014 with the lady and shortly thereafter. And I  
4           would -- it's got the dates on the printouts. I  
5           just don't have them here with me. But it will give  
6           you the date. But those times his vehicle, auto  
7           vehicle locator, the computer was shut off, which  
8           shuts the locator down or it was unplugged for  
9           hours.

10          Q. Okay. And that was a problem that you  
11          noticed in the data yourself?

12          A. Yes, sir.

13          Q. Okay.

14          A. And I...

15          Q. Okay. And then you talked to Major Brown  
16          about that?

17          A. I asked Major Brown, I said, "Do me a favor.  
18          How about pulling up his auto vehicle locator. I  
19          want to see where he's spending his time. How much  
20          time his locator is undone or whatever is happening  
21          to it, I want to know." And he ran the copies for  
22          me and showed me.

23          Q. Did you -- besides Major Brown, did you talk  
24          to anybody else about the issue?

25          A. Sure. I'm sure I talked to Chief Deputy

1 because I talk to Chief Deputy all the time.

2 Q. Did you talk to Officer Randleman's  
3 supervisor?

4 A. I'm not sure, but I think Major Brown spoke  
5 with his supervisor. I'm not totally sure, but I  
6 would hope he would.

7 Q. Did you talk to Officer Randleman about the  
8 issue?

9 A. No, sir, I did not.

10 Q. Did anyone else talk to Officer Brown about  
11 the --

12 A. I do not know.

13 Q. Was there an investigation done about the  
14 AVL issue?

15 A. No, sir. I made up my mind at that point in  
16 time that I would not swear him back in, that I  
17 would not reappoint him to another four-year term.

18 Q. I'm going to show you what we're marking as  
19 Exhibit 22.

20 (PLAINTIFF'S EXHIBIT NUMBER 22 WAS MARKED.)

21 THE WITNESS: I've got the highlighted  
22 areas on mine. I can run to my office and get them.  
23 I'll show you concerns. What was the date on that?

24 If I -- like I say, I've got these over in  
25 my office, but if I could -- I know y'all are in a

1       hurry, but if I could run -- the highlighted areas  
2       on the ones that --

3       BY MR. GHOSH:

4           Q.    What is this document?

5           A.    This is the printout of the auto vehicle  
6       locator, GPS, where they were, the time, how long  
7       they stayed out at the place, how long -- you know,  
8       if they unplugged it or turned it off.

9           Q.    Okay.

10          A.    You know, you can see I testified about  
11       being in town all the time. Tarleton Avenue, if  
12       you'll look on page 33, all this is pretty much in  
13       town. Several times that was the case. And our  
14       patrol area is --

15                    MR. HILL: Slow down. I think -- where  
16       were you?

17           Q.    What page?

18           A.    All right. Look at page 33. And like I  
19       said, I've got --

20           Q.    I think -- you mean 83? Sorry. It's a  
21       little faded.

22           A.    Oh, 83. I said 33. But I've got some  
23       different ones in this too, I think, that I had  
24       highlighted. Sometimes there were four hours before  
25       the locator would come back up.

1           Q.     So this is something you had printed up in  
2     2014?

3           A.     Yes, sir, prior to releasing him.

4           Q.     Prior to releasing him?

5           A.     Right. And it was placed into the personnel  
6     file.

7           Q.     Placed in the personnel file. And was the  
8     copy that was placed in the personnel -- was the  
9     copy that was placed in the personnel file, was that  
10    copy highlighted?

11          A.     I don't know if that -- I highlighted when I  
12     got a copy of it. I didn't -- I didn't take the one  
13     from the personnel file. I highlighted what --  
14     where my questions were.

15          Q.     Okay. Did you do highlighting in 2014?

16          A.     That was prior to swearing him in, I  
17     believe.

18          Q.     Not reswearing him?

19          A.     Not reswearing him.

20                    MR. GHOSH: So I think -- I don't think  
21     we should do it today, but I'd like to just have  
22     that document produced and we can --

23                    THE WITNESS: Do you want me to go get  
24     it?

25                    MR. HILL: No. I will get it from you

1 and provide it --

2 THE WITNESS: Okay.

3 MR. HILL: -- to opposing counsel.

4 BY MR. GHOSH:

5 Q. Okay. Is this the whole document that you  
6 referred to or reviewed?

7 A. I don't have the documents. I got -- I mean  
8 I didn't do his for 50 months or something like  
9 that. I did it, you know, for a period of time that  
10 I had some questions about it.

11 Q. With this AVL issue, did you follow the  
12 investigation policy that's set forth in the  
13 Internal Affairs policy?

14 A. No, sir. At that point in time, I made up  
15 my mind I was not going to reappoint Deputy  
16 Randleman to the Alamance County Sheriff's Office.

17 Q. Before you decide to terminate an officer  
18 for a reason, is it important to validate that  
19 reason?

20 A. With the past history with the trooper, the  
21 anger management thing, no, sir. I didn't feel it  
22 necessary. Looking at the AVL, the officer is  
23 spending the majority of his time in the city and we  
24 don't cover the city and -- as far as patrol.

25 And two and three, sometimes four and six

1 hours that the AVL was down or unplugged -- and when  
2 I say down cut the computer off or unplug the AVL --  
3 I didn't see a need to do an investigation. I made  
4 up my mind. I was going to exercise my authority as  
5 sheriff to not reappoint him to another term.

6 Q. Just a few minutes ago we had taken a short  
7 break. Did you speak to your attorneys during that  
8 break?

10 Q. Did you speak to them about the AVL issue?

11           A.    Yes, sir.  And I -- I was supposed to bring  
12           it back up in here because I thought you were  
13           talking about any issues involving the trooper, any  
14           further issues involving the trooper, his  
15           termination.  I had planned to talk about the AVL.  
16           Got it right here.

17 Q. I'm going to show you what we're going to  
18 mark as Exhibit 23.

19 A. Okay.

20 (PLAINTIFF'S EXHIBIT NUMBER 23 WAS MARKED.)

21 Q. Have you seen this document before?

22 A. Yes, sir.

23 Q. What is this document?

24                   A.     This is a form that has to go to the North  
25     Carolina Sheriff's Training and Standards.  And

1       those documents goes when you hire someone; document  
2       goes when they leave your agency.

3           Q.    Is this called the Form F-5?

4           A.    Yes, sir.

5           Q.    And is this a standard form that all North  
6       Carolina law enforcement agencies use?

7           A.    Sheriff's Standards Division does. Now  
8       municipal has their own division and that would be a  
9       different form, I'm sure, that they have to fill  
10      out.

11          Q.    Okay. And may also be called an F-5?

12          A.    Yes, sir.

13          Q.    But this is something that all the sheriffs  
14       use whenever an officer is separated from a  
15       department?

16          A.    That's correct. Uh-huh.

17          Q.    And the form is sent to the -- to the  
18       Division of Standards?

19          A.    That's correct.

20          Q.    And then they have it on file and then other  
21       law enforcement agencies can request information  
22       from this?

23          A.    Yes, sir. If the officer signs a form for  
24       the release.

25          Q.    Okay. So this -- okay.

1                   If you look on this form sort of toward  
2                   the -- it's got basic information and it's got a  
3                   date of separation of 12/1/14. Do you see that?

4                   A. Yes, sir, I do.

5                   Q. Then there is a question:

6                   "Was this separation a result of a criminal  
7                   or a violation of commission rules?" And it's  
8                   checked "No"?

9                   A. That's correct.

10                  Q. And then it says:

11                  "Are you aware of any ongoing or  
12                  substantiated internal investigation regarding this  
13                  officer within the last 18 months?"

14                  And that's checked "No"; is that correct?

15                  A. That's correct.

16                  Q. Why were both of those boxes checked no?

17                  A. Because I chose not to reappoint. This was  
18                  not a hiring or in the middle of anything. I chose  
19                  to not reappoint Mr. Randleman because he did not  
20                  meet the standards of what I felt like an Alamance  
21                  County deputy sheriff should be based on previous  
22                  situations.

23                  Q. Okay. And this -- in the second check box,  
24                  by saying "no," there was no ongoing internal  
25                  investigation, correct?

1           A.    No, sir.

2           Q.    And there was not?

3           A.    There was not.

4           Q.    And it also means that there was no  
5                   substantiated investigation in the last 18 months,  
6                   and that's -- that's what that means, right?

7           A.    That's what it means.

8           Q.    And that was correct?

9           A.    That's correct.

10          Q.    Because the [REDACTED] complaint  
11               happened within the 18 months before this, correct?

12          A.    I think so.

13          Q.    And that was not substantiated?

14          A.    It was substantiated. He went to the  
15               trooper's house raising cane at 4:30 in the morning.  
16               That was substantiated. You know, as a result, he  
17               agreed to go to counseling because he knew he had an  
18               anger management problem. And he went to counseling  
19               successfully and completed counseling according to  
20               the doctor's letter.

21          Q.    Well, if that investigation was  
22               substantiated, why is that -- and that was within  
23               the last 18 months, why isn't that marked yes?

24          A.    First of all, it was not a criminal  
25               investigation, per se, on Officer Randleman. It was

1       conduct unbecoming. Secondly, we did not -- and I  
2       say we, I did not send this form in, Hackney did.  
3       Did not want to hurt Mr. Randleman's chances down  
4       the road if he wanted to go back in law enforcement.

5           Q.    So are you saying that the -- and I know  
6       that -- I'm not really talking about -- the first  
7       check box asks about criminal investigation.

8           A.    Right.

9           Q.    And then -- and then the second check box  
10      just talks about any internal investigation, but --

11          A.    It says --

12          Q.    -- it doesn't refer to criminal, right?

13          A.    -- "Are you aware of any ongoing." That  
14      investigation was over.

15          Q.    Well, it's "Ongoing or substantiated" --

16          A.    Okay.

17          Q.    -- "investigation within the last 18  
18      months." Do you see that?

19          A.    And on the form it showed as exonerated in  
20      the thing. Not that he didn't do it, but I think  
21      because of his agreement to go to counseling, which  
22      was offered by our agency in the county, it was  
23      exonerated.

24          Q.    He was exonerated and so the complaint was  
25      not substantiated; is that correct?